

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 15, 1893.—Ordered to be printed.

Mr. PEPPER, from the Committee on Claims, submitted the following

REPORT:

[To accompany S. 2793.]

The Committee on Claims, to whom was referred the bill (S. 2793) for the relief of Crank & Hoffman, have had the same under consideration and respectfully submit the following report:

The bill proposes to authorize and direct the Secretary of the Treasury "to pay to the firm of Crank and Hoffman, of Washington, District of Columbia, the sum of twenty thousand dollars, in full for the rent of certain building and grounds, described as lot nine, square eighty, of the city of Washington, District of Columbia, taken possession of by Colonel Tompkins, of the Quartermaster's Department, on August twenty-fourth, eighteen hundred and sixty-four."

In order to obtain the facts in relation to the claim of Crank & Hoffman, your committee addressed a letter of inquiry to the Quartermaster-General and received answer as follows:

WAR DEPARTMENT, QUARTERMASTER-GENERAL'S OFFICE,
Washington, D. C., June 10, 1892.

SIR: In reply to your letter, without date, inclosing Senate bill 2793, for the relief the firm of Crank & Hoffman, and requesting that the Committee on Claims of the Senate be furnished with such information as this office has in relation to the subject matter of the bill, together with such suggestions as it cares to offer concerning it, I have the honor to report that a claim in favor of Messrs. Crank & Hoffman, for damages arising from the closing of their bakery on Twenty-second street in this city, between F and G, by reason of the occupation by the United States of the adjacent property, was referred to this office by the War Department, January 25, 1867, the amount claimed being \$14,825.

In an investigation made by the office it appeared that the said Crank & Hoffman occupied a building on Twenty-second street, between F and G, in this city, known as Mrs. Christie's New York "Lunch and Bakery," as a bakery and drinking saloon, they having leased the same from David Christie.

It further appears that the bakery was in immediate contiguity to the government warehouses in which several millions of dollars worth of public property was stored; that it was liable to take fire, and was on fire August 22, 1864, when Capt. Charles H. Tompkins, assistant quartermaster, made a request of Col. M. N. Wisewell, military governor of Washington, D. C., that it be closed. This request was complied with and on August 24, 1864, the claimants were dispossessed of the premises and the door closed.

The bakery remained closed until the 16th of April, 1866, when the claimants were again put in possession.

It was believed that the closing of the bakery, etc., was a necessary precaution to protect the property of the United States from destruction by fire, and the Acting Quartermaster-General (Rucker), in a report to the Secretary of War, dated March 29, 1867, recommended that the claim be disallowed as a charge against the Quartermaster's Department. This recommendation was approved by the Secretary of War,

and on April 11, 1867, the attorney, C. W. Bennet, was advised that the claim was disallowed.

On January 17, 1872, the papers were returned to George Hoffman, in compliance with his request.

On June 4, 1874, a claim was filed in this office through the War Department, for rent of the said property at \$10,000 per annum, from August 24, 1864, to September 17, 1866, although the property was restored to the claimants on the 16th of April preceding.

No action was taken on the last claim, as there was no law authorizing the settlement, or investigation of claims for rents arising prior to July, 1872, and no appropriation out of which they could be paid, if proved to be just.

The papers were, by authority of the Secretary of War, transmitted to the accounting officers of the Treasury June 25, 1875, and it appears from papers in this office and that of the Third Auditor of the Treasury that the claim was disallowed by him June 22, 1876.

The assessed value of the lot on which the bakery in question was located, during the period that it was closed, was \$2,024. At 6 per cent per annum on this amount the rate paid by Government for rent of ground in this city from and after May 1, 1865, the rent from August 24, 1864, to September 17, 1866, the period claimed, would be \$250.64, and for the time actually closed would be \$199.70.

In view of this fact, and the further fact that the claimants could have located and carried on their business in another place, it is suggested that the amount (\$20,000) named in the bill in question is very largely in excess of any amount justly due the claimants on account of this claim.

The copy of Senate bill No. 2793 inclosed by you is returned herewith.

Very respectfully,

R. N. BATCHELDER,
Quartermaster-General, U. S. Army.

Hon. W. A. PEFFER,
United States Senate.

Your committee have not been supplied by the claimants with any facts or with any information bearing on their claims. We have nothing before us but the bill and the foregoing letter of the Quartermaster-General.

The amount claimed cannot be allowed, but the committee are agreed that \$250 is reasonably due the claimants.

Your committee therefore recommend that the bill be amended as follows:

Strike out, in lines 5 and 6, the words "twenty thousand dollars," and insert in lieu thereof the words "two hundred and fifty dollars;" and add, after the word "four" in the tenth line, the words following, namely:

Provided, That said sum of two hundred and fifty dollars be accepted by the claimants in full satisfaction of all their claim or claims against the United States on account of rent for the property described in this bill.

And when so amended, your committee recommend the passage of the bill.